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SHEAFFER JEANNE M
79 MONTEVIDEO 790

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ACTION ARA-15

INFO OCT-01 ISO-00 HA-05 H-01 CIAE-00 INR-10 NSAE-00
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-----113042 112137Z /40

R 291831Z MAR 79

FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC 8346

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E.O. 12065: N/A

TAGS: SHUM, UY

SUBJECT: HUMAN RIGHTS - CASE OF JORGE CASTILLO MALMIERCA

RFF: STATE 050967

1. FOLLOWING RECEIPT OF REFTEL, EMBASSY RAISED CASE OF JORGE CASTILLO MALMIERCA WITH OCIP'S COL. MAYNARD FOR THE FIFTH TIME. (REFTEL ERRONEOUSLY READS JOSE CASTILLO). THIS TIME, COL. MAYNARD PROVIDED US WITH AN ANSWER: NAMELY, THAT CASTILLO HAD BEEN GRANTED PARDON (GRACIA) BY THE COURT OF JUSTICE, URUGUAY'S HIGHEST COURT, IN DECEMBER 1977. THEREFORE, CASTILLO HAD PRESUMABLY BEEN AT LIBERTY SINCE THEN.

2. SINCE MAYNARD'S REPLY DIFFERED FROM INFORMATION RECEIVED BY THE DEPARTMENT, EMBASSY ATTEMPTED TO VERIFY IT WITH CASTILLO'S WIFE. IN A MARCH 8 INTERVIEW, SHE INFORMED US THAT CASTILLO HAD INDEED BEEN GRANTED PARDON IN DECEMBER 1977, THAT IT HAD BEEN SUSPENDED FOR BUREAUCRATIC REASONS IMMEDIATELY AFTERWARD, BUT HAD BEEN AGAIN REINSTATED IN JUNE 1978. THUS, FROM THE PERSPECTIVE OF THE MILITARY JUSTICE SYSTEM, CASTILLO IS FREE. HOWEVER, SIMULTANEOUSLY WITH THE CONFIRMATION OF CASTILLO'S PARDON LAST JUNE, HE WAS REARRESTED UNDER THE "MEDIAS PRONTAS DE SEGURIDAD", URUGUAY'S EMERGENCY SECURITY MEASURES, AND REMOVED FROM CIVILIAN

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LIBERTAD PRISON TO CONFINEMENT AT THE FOURTH CAVALRY BATTALION BARRACKS. MRS. CASTILLO STATED THAT SHE CAN STILL VISIT HER HUSBAND THERE, AND THAT HIS TREATMENT IS SATISFACTORY. SHE REPORTS THAT WHEN CASTILLO SUFFERED A MILD HEART SEIZURE AS A RESULT OF HIS PARTICIPATION IN THE PRISONERS' MANDATORY WORK PROGRAM, HE WAS ACCORDED EXTENSIVE MEDICAL TREATMENT AND IMMEDIATELY RELEASE FROM ANY FURTHER WORK REQUIREMENTS. HIS HEALTH IS NOW FULLY SATISFACTORY.

3. BACKGROUND DATA: JORGE RAUL CASTILLO MALMIERCA, BORN 2 AUGUST 1933 IN ARGENTINA, WAS THE OWNER OF A PROSPEROUS ART GALLERY UNTIL HIS ARREST ON 22 OCTOBER 1975. HE WAS INDICTED IN 1976 ON THE CHARGE OF "ASOCIACION SUBVERSIVA" (MEMBERSHIP IN A SUBVERSIVE ORGANIZATION), IN CONNECTION WITH HIS PARTICIPATION IN A FUND-RAISING EFFORT FOR THE URUGUAYAN COMMUNIST PARTY. THUS FAR, HE HAS NOT BEEN FORMALLY SENTENCED. (THE GRANTING OF THE "GRACIA" WILL TAKE PRECEDENCE OVER ANY FUTURE SENTENCE, SO THE QUESTION IS MOOT).

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DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY *J. H. M.* DATE *8/29/80*

REC ☐ or XDS ☐ EXT. DATE

TS AUTH.

REASON(S)

ENDORSE EXISTING MARKINGS ☐

DECLASS ☒ RELEASABLE ☒

RM. AUTH. D. J. M. ☐

PA or FOI EXEMPTIONS

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4. MRS. CASTILLO BELIEVES THAT THE TREND IN HER HUSBAND'S CASE IS POSITIVE, AND SPECIFICALLY ASKS THAT NEITHER AMNESTY INTERNATIONAL NOR ANY SIMILAR ORGANIZATION TAKE AN ACTIVE ROLE, AS THIS MIGHT LEAD TO THE CASE'S POLITICIZATION AND DELAY HER HUSBAND'S RELEASE.

5. PLEASE PASS ABOVE MESSAGE TO CONGRESSMAN KASTENMEIER, AND THE RELEVANT PORTIONS TO AMNESTY.

PEZZULLO

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